

PLANNING COMMISSION

TUESDAY, May 21, 2002

Action Minutes

Chair Mathewson called the meeting to order at 7:01 p.m. in the Twin Pines Senior and Community Center.

ROLL CALL:

Present, Commissioners: Chair Mathewson, Vice Chair Wiecha (VC), Parsons, Torre, Gibson, Feierbach, Frautschi

Absent, Commissioners: None

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), City Attorney Savaree (CA), Recording Secretary Flores (RS)

Chair Mathewson wished Associate Planner, Andrea Ouse well in her new position and presented her with a bouquet of roses from the Planning Commission with thanks for her work & support.

AGENDA AMENDMENTS

6A. PUBLIC HEARING – 877 Ralston Avenue

To consider a Negative Declaration of Environmental Significance, Conditional Use Permit, Grading Plan, Design Review, and Tree Removal Permit to construct a new 17,290 square foot mixed commercial use (retail/office) development which includes ground floor retail space, and second/third floor offices. The proposal includes a 48-space parking lot within the southern portion of the 26,417 square foot subject site for the project. (Appl. No. 01-0073)

APN: 045-182-050, 060, 180, & 190; Zoned: C-2 (General Commercial)

CEQA Status: Negative Declaration

John M. Ward (Applicant)

Ralston Associates (Owners)

PP de Melo explained to the Commission that staff received a letter late today from CalTrans in reference to the Negative Declaration/Environmental Study for the project that raised concerns and issues that needed to be addressed within the traffic study for the project. CDD Ewing stated that the environmental review for the Atrium commercial development included a negative declaration of environmental significance which is distributed for state clearing house review, which is an agent of the state that looks at CEQA documents and allows a thirty (30) day time period for agencies of the state to review documents of this nature. They are allowed to comment on the project up to today and we received a letter from them today, that the traffic analysis in their opinion was insufficient to analyze long-term construction impacts for this area.

PP de Melo stated because the negative declaration for this project is the key document as part of the entitlements that the Commission will review, Staff recommends that this item be continued until this analysis can be preformed by the traffic engineer for the project. The new information will then be conveyed to CalTrans, for their concurrence that the analysis is complete. After Caltrans acceptance of the revised traffic analysis, staff will bring the negative declaration amendment back to the Commission with all of the other entitlements that are proposed for the project. Staff recommends continuing this item to a date uncertain. This item would not come back to the Commission for at least 45-60 days.

MOTION: By C Parsons, second by VC Wiecha to continue this item.

Motion Passed 7/0

CDD Ewing recommended that anyone in the audience that is not within the 300 foot radius notification area to leave their name and address with the Recording Secretary and they will be notified by mail of the next meeting.

CA Savaree asked to make a comment to the Commission and Public, Environmental Review sometimes feels as if it slows down a project. But challenges to the environmental work completed for a project for a very long time. The indicated continuance that will occur this evening, along more rapidly. We need to get these issues taken care of so the applicant can handle all of their environmental work, to avoid challenges to that aspect of the project.

C Gibson asked staff if it would be possible in the future to have the thirty (30) day period expire a week before the hearing? CDD Ewing replied that it is possible to do that, however it would add more time to the process.

Apologies were given to the audience from Staff and Chair Mathewson.

Chair Mathewson called for a 5 minute break.

Meeting resumed at 7:26 pm.

CONSENT CALENDAR:

4A. Minutes of 4/2/02

4B. Minutes of 4/16/02

C Parsons stated for the record, a request for correction of the 4/16/02 minutes to change the street from El Camino to Ralston with respect to the location of the trees that were suppose to go in at BlockBuster.

MOTION: By C Torre, second by C Frautschi to approve the minutes of 4/2/02 and 4/16/02.

AYES: Torre, Frautschi, Feierbach, Gibson, Parsons, Wiecha, Mathewson

NOES: None

Motion passed 7/0.

4C. Resolution and Conditions of Approval for a Conditional Use Permit, Design Review and Parking Variance for 621 Masonic Way consistent with action taken by Planning Commission at May 7, 2002 Meeting.

PP de Melo gave a brief overview of the project, which was reviewed by the Commission two weeks ago on May 7, 2002. The Commission voted 6/1 to approve the project along with a number of recommended Conditions of Approval that the Commission believed should be incorporated. Condition #6, Condition #9 and Condition # 2A have been modified as requested. PP de Melo continued to state the findings have not changed since May 7, 2002. The reason for this item tonight is to incorporate the additional Conditions of Approval.

C Frautschi asked for a correction on Condition 2A to add: Removal of the unpermitted storage area on the South East side of the building.

C Torre asked for clarification regarding the change in language for Condition 9. PP de Melo replied the additional language for Condition #9 is: "located on the applicant's property".

Denny Lawhern, 408 Hiller Street, Belmont. Sterling Downs Resident.

Mr. Lawhern addressed the Commission and requested that this item be pulled from the Consent Calendar so the Planning Commission could review and address anything in the document that is presented that might or might not reflect what had taken place at the last meeting. Mr. Lawhern questioned if the staff report dated 5/21/02 reflected everything that the public is looking at tonight or not? PP de

Melo replied, that the staff report includes a cover memo, findings and Conditions of Approval. In addition there were changes suggested by the Commission to be incorporated.

Mr. Lawhern asked if the changes were "not" in this document? PP de Melo answered, correct. He would provide a copy to him. Mr. Lawhern commented that he was not at the last meeting. It looked like a stand alone project and it could be ok. However the cumulative effects may affect the neighborhood as a whole.

Wilma Kartman, President of the Sterling Downs Homeowners Association addressed the Commission and stated she attended the Planning Commission Meeting of May 7, 2002 and spoke at that meeting. She wanted it to be known that as the hearing continued she had raised her hand several times, wanting to say more, however she felt she was ignored. She stated she should have filled out another slip or insisted to be heard as the public hearing continued, however, she did not. She thought there would be another public hearing, she stated that she was wrong, but she learned from it.

She suggested the Commission think about lowering the allowable occupancy to 50 or 75 until the expected changes to the Arco Station, Fire Station, removing a traffic lane on Granada Street as well as the possible bike lane were completed. Within a year or two, re-address the Conditional Use Permit, and increase the occupancy to the 150 as previously discussed. That seems reasonable to the Homeowners Association and fair to the applicant. Ms. Kartman stated, "once a business is established, it is very difficult to make changes. A stipulation such as this could be included in the Conditional Use Permit if the Commission wanted to do so."

Ms. Kartman referred to the Staff report dated 5/21/02 – the bottom of page three, number 3, it states, "The site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use. Staff has received no traffic circulation concerns from city staff or the public regarding the meeting hall use. The proposed institutional use would have similar trip generation as the previous use. The proposed use is not expected to exceed the local street capacity to carry generated traffic. Thus, finding number three can be made in the affirmative". Ms. Kartman stated "we do not agree with that statement" since the previous use was much less intense and was not used daily. We feel the Commission is trained to make the right decision. By not considering a lower occupancy for the building, you could be making a big mistake. We sincerely hope that we are wrong in this assumption.

Chair Mathewson apologized for not recognizing Ms. Kartman at the last meeting.

Chair Mathewson asked if anyone else would like to speak. No one came forward.

C Parsons questioned staff, when we approve a Conditional Use Permit that limits the use to a certain number of people and we find out later that there are too many adverse impacts, can that CUP be legally downsized in terms of capacity?

CDD Ewing replied, No. You can only revisit the CUP if you can determine that the conditions you imposed are not being met.

C Feierbach commented that two weeks ago she voted no on this item because she felt 140-150 occupants was too much for the neighborhood. She requested the Planning Commission to consider what Wilma Kartman had suggested, to lower it to either 40-50 occupants and see how it goes. Consider raising the number of occupants after the Fire Station and other projects are completed. C Feierbach stated her concern because the applicant stated that there were not going to be that many occupants there – except during certain festivals and celebrations.

Chair Mathewson clarified that a motion for reconsideration must be made at the same meeting. We cannot amend what we did at the previous Planning Commission Meeting.

CA Savaree verified Chair Mathewson's statement and stated that what is currently in front of the Planning Commission tonight, is for the Commission to act on the resolution which is before you.

Chair Mathewson mentioned the receipt of a letter of opposition for this project.

CA Savaree stated that opportunities to appeal the Planning Commission's decision exist.

Applicant, Kamal Fallaha 708 Crane Avenue, Foster City addressed the Commission and Mr. Fallaha stated that "it seems like we are getting out of proportion, the traffic issue was explained thoroughly last time. Our use for this facility is mostly for off peak hours - weekend and evenings. Again, I ask the Commission to come and visit us during the daytime. If you see any traffic generated by this facility. We don't drink alcohol, we don't have loud parties, we go there to quietly pray. I see stereotyping here. You are entitled to your opinion but I think there is a hidden message here. Because we are Muslims? As God as my witness, I will take this to the Supreme Court if I have to. We are not doing anything illegal here. We are exercising our constitutional rights to exercise our religion. I don't see any problem with this. Now the building is consistent with what used to be. We are going to use it as a Community Hall. I will seem tough on this, I'm sorry to say this. Look at the title in the newspaper, The City of Belmont is not prepared to have Muslim Community. I

think there is a hidden message in the title in a deceiving and sneaky way. I am sorry to say this. I hope the Commission will look at it as it is, we have community leaders, we are entitled to it. It is consistent with the land use, occupancy and zoning. I hope you will look at it from this point of view only. We will not generate more traffic than what used to be there before".

MOTION: By C Torre, second by C Parsons to approve the Resolution of the Planning Commission of the City of Belmont to approve a Conditional Use Permit, Parking Variance and Design Review for a Religious Institution at 621 Masonic Way with the changes to the wording of Condition 2A, 6 and 9 and additional language as provided by staff.

AYES: Torre, Parsons, Frautschi, Gibson, Wiecha, Mathewson

NOES: Feierbach

Motion passed 6/1

Chair Mathewson announced that this item may be appealed to City Council within ten days.

PUBLIC HEARING – 1510 Ridge Road

To consider a Single Family Design Review to demolish an existing 952 square foot single family residence and construct a new 2,498 square foot single family residence in a zoning district that permits a maximum floor area of 2,501 square feet for the subject site. (Appl. No. 02-0010)

APN: 044-112-420; Zoned: R-1B (Single Family Residential)CEQA Status: Exempt. Kenneth Hall (Applicant) Richard Nielsen (Owner)

PP de Melo summarized the Staff Report. Staff and Applicant were available for questions.

VC Wiecha questioned the letter of opposition, which indicated some slope stability issues and asked if any analysis of that allegation has been made? PP de Melo replied "No".

C Gibson asked if staff considered the impact of the view by the neighbors across the street? PP de Melo stated there were private view issues that were discussed at the neighborhood outreach meeting, however the findings before the Commission tonight are based on public views along Ridge Road.

C Frautschi asked for clarification regarding tree # 2. He stated that the arborist expressed a concern that even though protective measures are taken the tree might still be lost. He was concerned that the Commission does not have a mechanism in place to assure the tree could be replaced. PP de Melo stated the City Arborist does periodic inspections. Pre-construction, during & post construction. He can assure that the tree protection measures are in place at all points of construction and provide this feedback to Staff. Should it be the opinion of the City Arborist that the tree will not survive, the code is structured to have the project come back for tree removal permit review by the Commission.

VC Wiecha stated that tree # 2 is on the adjacent private property and asked staff what bearing that has on this issue. PP de Melo replied trees to be affected are both within and adjacent to the property. The tree ordinance does not indicate if a tree is on other property that is "not" subject to the strict performance of a tree protective measure. If it does not survive or the arborist recommends it will not survive then staff will bring the project back to the Commission with a tree removal permit.

VC Wiecha asked if the mitigation such as replacement of that tree would have to be done on this particular property. Any issues between the two neighbors over one killing the others tree would be between the two neighbors. PP de Melo replied that that was correct.

Chair Mathewson asked staff if a 10 inch oak is a protected tree? And noted for the record that there is an 11 inch oak on the plans not mentioned in the inventory on the Arborist Report. Chair Mathewson stated that the larger tree, the 24 inch tree which is farther down the hill is mentioned. Since the deck is going to come to the edge of the canopies of both trees, he was surprised that the 11 inch oak was not mentioned in the inventory. PP de Melo replied, according to the tree ordinance the 11 inch oak is protected by ordinance. He went on to say The City Arborist evaluated the condition of this tree as well as other trees on this site that were going to be outside the drip line. He looked at the trees that would be potentially affected by construction on this project.

C Feierbach inquired regarding tree #2. The Arborist report stated, remove the tree valued at \$2,079.00. Is that amount put into the cities General Fund? PP de Melo stated it is not, for loss of a tree, as through the parks and recreation department it is valued at \$50.00 per tree in terms of establishment and maintenance of a tree planting fund.

Chair Mathewson opened the Public Hearing

Ken Hall, Architect, 1815 Mezes Ave. Belmont stated the owner's father would be living in the house within the next few months. He agrees with the findings in the staff report and the conditions of approval and is willing to work with the City regarding the tree situation. One of the reasons they designed a two story house was to have as small of a footprint as possible and still meet their family needs. Tree # 2 had previous damage from construction that occurred from the neighbors. Mr. Hall addressed several concerns from the neighbor at 1551 Winding Way and was available for questions.

VC Wiecha asked if there was a geotechnical analysis of the site. Mr. Hall replied that the geologist

stated there would not be a problem with erosion or land slides and that the geologist report would be forwarded to staff in approximately one week.

VC Wiecha stated she was unable to look at the back of the property, however it looked like there was erosion on the adjacent property to the East.

Patrick Boor, San Mateo resident stated that he grew up across the street at 1511 Ridge Rd. spoke in protest of this project as it will eliminate public and their personal private views as well as depreciate the value of their property.

Ruth Boor, 1511 Ridge Rd stated that it is not only her personal view that will be lost but also the view of

many people that walk and drive in the neighborhood as well.

MOTION By VC Wiecha, second by C Gibson to close the Public Hearing.

Motion passed.

C Feierbach asked staff what rooms are predominate as far as views are concerned? PP de Melo replied that that is a very difficult question to answer as houses are designed differently. However, PP de Melo asked the Commission to focus on the public view only. PP de Melo gave a definition of public view as being a view from the street, someone walking or driving along Ridge Rd.

C Torre asked what lead staff to indicate in the staff report that there are no public views that are expected to be impacted by this project. PP de Melo replied that more appropriate language would be there are no "significant" public views which are expected to be impacted by this project.

CDD Ewing commented that the relevant words to focus on are to "minimize disruption of existing public views." Those are the words the Commission is asked to use to evaluate this.

VC Wiecha commented that her biggest concern was over the issue of potential slope stability. She recommended that the geotechnical report include not just the building footprint but the entire property.

There is erosion that appears to be to the east of the property, not on this particular property. However, for the benefit of all involved, VC Wiecha believed the city should be provided with information on slope stability and any issues that may be currently occurring on this property. Specifically, down slope of the dwelling. VC Wiecha stated that having walked the neighborhood on Winding Way and on Mezes Avenue you could see the hillside erosion areas. Appropriate mitigation measures are needed to address the existing erosion and should be incorporated as part of the project. It may generate further grading which would most likely come back to the Commission unless it was outside the Commission's purview. She believed the Commission needed to do the responsible thing and take a look at the downslope portion of the property; it is very steep and certainly has the potential for erosion.

C Gibson agreed with VC Wiecha and stated there does seem to be a public view issue but in his opinion the design does minimize disruption of public view. C Gibson stated the "Fathers Unit" is a nice design and would like to see the City get credit for that in our housing numbers.

C Frautschi stated that he understood and sympathized with Ms Boor's concern regarding her personal loss of view. Unfortunately the Commission is not in a position to consider that. C Frautschi felt that by having a nicer house across the street it may increase Ms. Boor's property value. He stated that it would be a good will effort toward the neighbors if the applicant would plant vegetation below the deck and he supported VC Wiecha's comments also.

C Torre stated that she is in agreement with her fellow Commissioners and feels that building on the existing footprint is wise and she would like to support a condition both with regard to vegetation at the piers which was offered by the applicant, and agrees with VC Wiecha concerns.

C Feierbach would like to recommend the screening below the deck to be non-deciduous plants and that water is provided to keep the plantings alive.

Chair Mathewson echoed C Frautschi's comment regarding foliage on the hill, as well as echoing VC Wiecha's comments also.

MOTION by C Feierbach, second by VC Wiecha to approve the single family design review at 1510 Ridge Road with the following additional conditions of approval:

1. The applicant's Geotechnical Report to be submitted as part of the plan check/building permit review for the proposed dwelling remodel shall include analysis of slope stability for the entire property.

2. The applicant's landscape plan for the dwelling remodel shall include plantings on the rear downsloped portion of the lot to provide screening to the property at 1551 Winding Way. The landscape plan shall be submitted as part of plan check/building permit review for the project. The satisfaction of this condition shall be subject to the review and approval of the Community Development Department.

AYES Feierbach, Wiecha, Frautschi, Gibson, Torre, Parsons, Mathewson

NOES NONE

Motion passed 7/0

OLD BUSINESS

7A. Discussion of Planning Commission Protocols (Material distributed at 5/7/02 Meeting)

Chair Parsons recommended that a sub-committee be appointed to look through the protocols and report back to the Commission. The Planning Commission agreed.

C Parsons nominated Chair Mathewson, VC Wiecha with C Frautschi volunteering.

7B. Discussion of Fences, Walls and Retaining Walls (Material distributed at 5/7/02 Meeting)

CDD Ewing summarized the staff report asking for recommendations from the Commission and was available for questions.

Damon Campbell 2355 34th Ave San Francisco asked if there are were no regulations regarding retaining wall or fence height under 6 ft? CDD Ewing replied that the code says fences walls and retaining walls less than 6 feet in height are permitted by right in the side and rear set backs and in many of the front set backs. Mr. Campbell asked if they are 4 feet or under they can go up to the property line? CDD Ewing stated, correct. Mr. Campbell asked if there were any regulations regarding aesthetics? Chair Mathewson replied that when a project comes to the Commission and they have design review with a wall. The Commission often ends up requesting certain facings or options.

CDD Ewing stated in the grading ordinance there is a reference to aesthetics for retaining walls. However that applies to retaining walls with grading permits. For single family residential design standards, there is a standard which is identified as: exterior materials should blend with the joining development in the natural environment of the site. That finding is broad enough to include fences and walls, however CDD Ewing felt it should be more specific. That has been sufficient to address fences and walls when it's part of design review. However when fences or walls are proposed by and of themselves, separate from design review there is no criteria for aesthetics.

C Gibson believes it would be good for the Council to give us some authority over private structures in the public right of ways. It is frustrating to get to the property line and hit a wall - so to speak.

VC Wiecha agreed with C Gibson and would like to see further analysis on what other jurisdictions provide in their zoning ordinance in the way of wall definitions. The issue of a 6 foot retaining wall and a 6 foot fence on top of it, meet the current zoning code? VC Wiecha felt this was one of the topics at the heart of this issue and needs clarification.

C Parsons agreed that it was important have staff look at what the other communities are doing and come up with some draft recommendations.

C Torre stated that the commission has had variances come before them in the past where the findings that needed to be made were extremely specific. She felt it would be difficult to make an exception of 2 feet on a retaining wall under the variance procedure. She felt the Commission may want to create a process where you could trade off grading and wall height. She felt that since Belmont was very hilly and there are so many different lots, she would not want something created in the code that would be difficult for the Commission to work around. She felt by looking at other city's codes would give them some guidance.

CDD Ewing will report back to the Commission with recommendations.

NEW BUSINESS - NONE

REPORTS, STUDIES, UPDATES, AND COMMENTS

9A. Distribution of Conditional Use Permit & Design Review Staff Report and meeting minutes for MetroPCS Telecommunications Facility at 1870 Ralston Avenue – Approved by Planning Commission on December 4, 2001 (No action to be taken on item – for informational purposes only as per Commission request at May 7, 2002 meeting)

PP de Melo stated that the flag pole is up and fully operational. No action is to be taken on this item, it is for information purposes only.

VC Wiecha stated that although she was not present and did not vote on this item, it appears by reading the staff report that the applicant sandbagged the Commission. There was no mention of the diameter of the pole, but there is a reference to the flag pole which she believed is consistent with the information provided to staff and the Commission by the applicant. One would consider a flag pole to be of a certain diameter as is portrayed in the photo montage. However, the pole is three times the diameter of a normal flag pole.

CDD Ewing stated that staff will verify if the height of the pole is 40 feet. Girth to height might be the problem. Staff is talking with Parks and Recreation regarding painting it a darker color.

C Torre stated that she was under the impression the applicant was working with Parks and Recreation on this project. She was motivated to vote in approval of it based on the assumption Parks & Recreation had already done research on the pole and approved of it.

Chair Mathewson stated that he was not in attendance for the discussion, however his vote would have been in the negative based on the potential negative aesthetics of the pole. Chair Mathewson believes there is a need to find a better way to get these antennas to look palatable in the community.

CDD Ewing stated that Staff will report back to the Commission as soon as they have some information.

PP de Melo stated there were no Public Hearing Items for the June 4, 2002 Meeting.

CDD Ewing will present the Commission with a power point presentation regarding updating General Plan.

C Torre requested Staff put together a memo on exception process. CDD Ewing stated it would be on the next Agenda.

C Feierbach stated she would like to see the exception process turned into a variance process.

C Parsons commented on the new, black, 4 foot chain link fence recently placed on Ralston Avenue across from the Carlmont Shopping Center. He felt it creates a safety problem as it can not be seen by people crossing the street at night. CDD Ewing advised the Commission that he would check with Parks and Recreation on landscaping for that area and will report back to the Commission with more information.

C Feierbach asked staff if the Down Town Specific Plan is on Belmont's Web site? CDD Ewing replied that it is not at this time and that the City Clerk is working to place it there. The Zoning Ordinance and Municipal Code are on the site.

C Parsons commented that the tables are sticky and need to be cleaned prior to the Planning Commission meetings.

C Torre stated that she might not be available to attend the next City Council Meeting as liaison. C Parsons responded that he would attend.

ADJOURNMENT:

The meeting adjourned at 9:20 p.m. to a regular meeting on Tuesday, June 4, 2002 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.